



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**December 13, 2004**

---

**SUBJECT:**           **2004-0857 - Iraj Dehnow** [Applicant] **Ray and Stella Underhill Trustee** [Owner]: Application for related proposals on a 12,120 square-foot site located at **1276 Poplar Avenue** in an R-2 (Low Medium Density Residential) Zoning District. (APN: 213-44-034) KD

Introduction of an Ordinance   **Rezone** from R-2 (Low-Medium Density Residential) to R-2/PD (Low-Medium Residential/Planned Development) Zoning District ;

Motion                   **Special Development Permit** to remove two homes and construct three new homes, and

Motion                   **Parcel Map** to subdivide one lot into four lots.

**REPORT IN BRIEF**

**Existing Site Conditions**           Two one-story living units

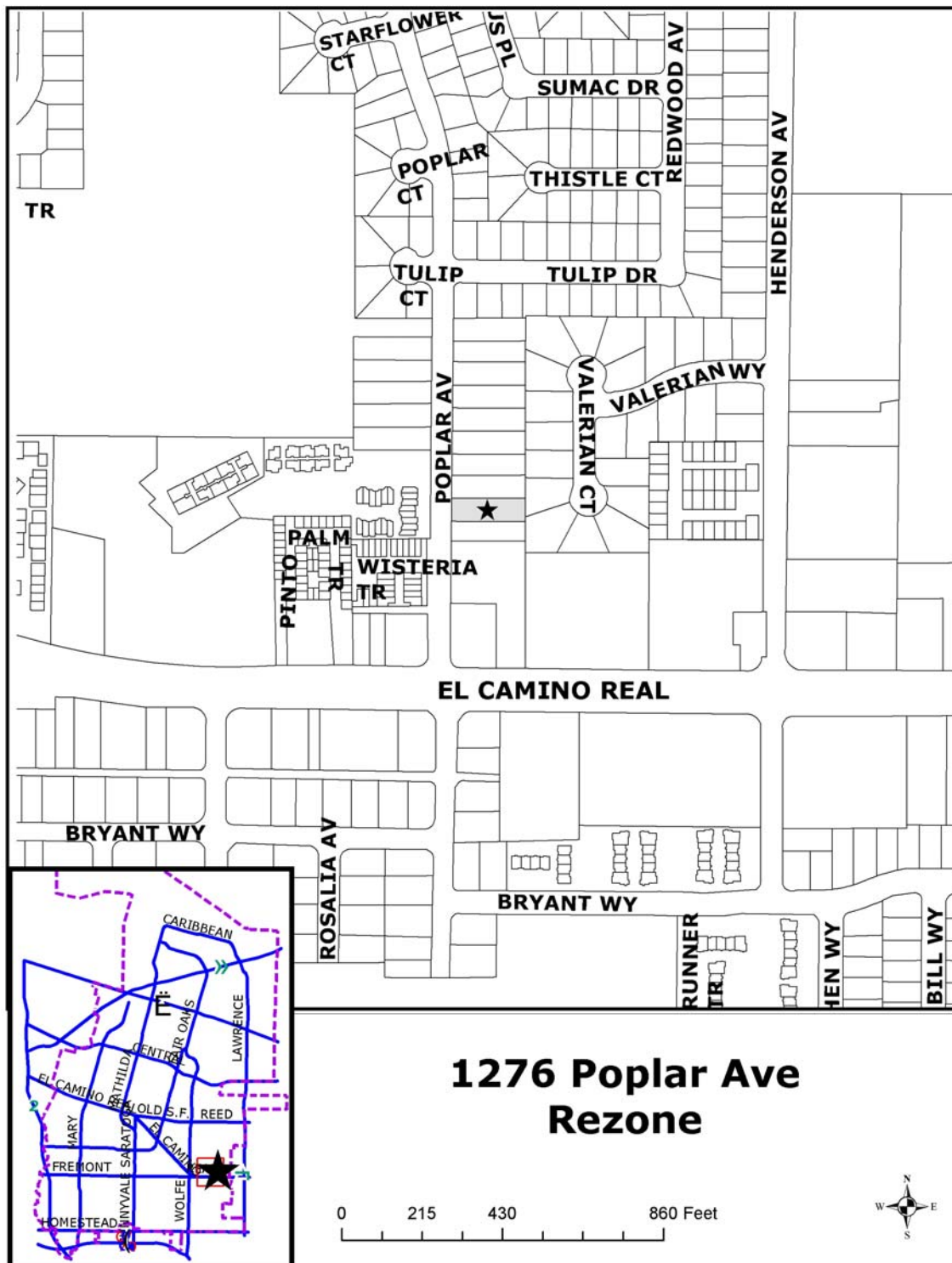
**Surrounding Land Uses**

North	Mixture of 2-4 unit residential complexes
South	Residential , Commercial Auto Dealer lot one lot south
East	Apartments
West	Condominiums

**Issues**                   Open Space, Design Review

**Environmental Status**           A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Low Medium Density	Low Medium Density	Low Medium Density
<b>Zoning District</b>	R-2	R-2/PD	Rezone
<b>Lot Size (s.f.)</b>	12,120	Lot 1 3,465 Lot 2 3,195 Lot 3 3,120	8,000 min.
<b>Gross Floor Area (s.f.)</b>	2,600	7,236	Per SDP
<b>Lot Coverage (%)</b>	21.4	32	40 max.
<b>Floor Area Ratio (FAR)</b>	21.4%	60%	Small Lot Dev. Guideline of 50% overall
<b>No. of Units</b>	2	3	3 max.
<b>Density (units/acre)</b>	7.1	10.8	12 max.
<b>Unit Sizes (s.f.) (Including garage)</b>	Front Unit 1,000 Rear Unit 1,600	Unit 1 2,569 Unit 2 2,352 Unit 3 2,327	N/A
<b>Building Height (ft.)</b>	14	27	30 max.
<b>No. of Stories</b>	1	2	2 max.
<b>Setbacks (First/Second Facing Property)</b>			
• <b>Front</b>	77	15/20	20/25 min.
• <b>Left Side</b>	9.5	4'/7'	4/7 min.(total 12/18)
• <b>Right Side</b>	4	4'/7'	4/7 min. (total 12/18)
• <b>Rear</b>	23	10'11"/19' 6"	10/20 min.
• <b>Rear Yard Percentage (%)</b>	0	23	25 max
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping</b>	Unknown	4,600	3,295 min.
• <b>Landscaping/Unit</b>	Unknown	1,533	850 min.
• <b>Usable Open Space/Unit</b>	Unknown	558	500 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
• <b>Frontage Width (ft.)</b>	15	15	15 ft. min.
<b>Parking</b>			
• <b>Total Spaces</b>	4	12	12min.
• <b>Covered Spaces</b>	0	6	6 min.
• <b>Driveway Width (ft.)</b>	20	12	10 min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

### **Description of Proposed Project**

The project proposes to demolish two existing structures for the purpose of developing three new single-family detached homes on the site. The project includes one unit fronting on Poplar Avenue, a second unit in the middle of the site, and a third unit in the rear of the site; all of which are accessed by a common private drive.

### **Background**

There are no previous actions on the site. The existing buildings are listed as being approximately 75 years old in the County Assessor's records. The site is surrounded by existing two-story development, including multi-story condominiums across the street.

### **Environmental Review**

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemption includes new construction of up to three new single-family homes.

### **Rezoning**

**Discussion of Rezoning:** The applicant is requesting a Planned Development Combining District (PD) in conjunction with the existing R-2 zoning for the site. The PD is a common tool utilized throughout Sunnyvale for the development of infill and small lot development projects. PD is intended to allow for flexibility in meeting the City's development standards and in some instances to place stricter controls on new development. With a PD the applicant may propose deviations to the zoning standards through the requested Special Development

Permit. The most common deviation proposed in the PD is minimum lot size for the purpose of creating individual ownership units. Such is the case with the subject application.

#### Sunnyvale 1998 Guidelines for PD Zoning

- *To facilitate development or redevelopment of a site to improve the neighborhood. (Meets)*
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project. (Meets)*
- *To allow for the development and creations of lots that are less than the minimum size required in the base zoning district. (Meets)*

### **Special Development Permit**

**Site Layout:** The subject site is 60 feet in width and 202 feet in depth for a total area of 12,120 square feet. The site is the typical lot dimensions for the R-2 zoned properties along this immediate section of Poplar Avenue. A one-foot dedication for right of way is required of the project to allow for standard street improvements to Poplar Avenue.

The three units would be accessed directly from the proposed private driveway which runs along the north boundary of the project. The private driveway will be common area. The front unit has been modified from the original submittal to provide a front door that is oriented toward Poplar Avenue rather than the driveway.

Providing three units on an existing lot accessed by a private drive, makes defining individual front and rear yards an ineffectual exercise and instead, staff has defined individual unit setbacks by cardinal direction.

#### Setbacks in Feet

	West	East	South	North
<b>Unit 1</b>	15 (front)	17 (parking)	4 / 7	18 (3 from drive)
<b>Unit 2</b>	9	17 (parking)	12 / 8	18 (3 from drive)(front)
<b>Unit 3</b>	3 (front)	10-16/ 19.5	8 / 11	7-Apr

Staff recommends looking at the proposed layout two ways. The first method is for adjacent property compatibility. The site as a whole should meet standard R-2 front, rear, and side yard setback provisions. Secondly, the project should be looked at for internal setbacks to create landscaping and open space; the livability factors of single-family homes. In regards to the site as a whole, the project complies with setback standards for both ground floor and second floor setbacks with the exception of the front setback near Poplar Avenue and the 20-foot rear yard setback for Unit 3. Staff requested the applicant review

options for increasing opens space including a front yard setback deviation. As a result, the applicant has proposed the 15-foot front yard setback deviation to open up space around Unit 2. The rear yard setback for the second story is proposed at 19.5 feet where 20 feet is required.

In regards to the internal "livability" setbacks, creating usable open space and landscaping are the primary goals along with creating adequate spacing for privacy. To review the usable open space design, there are adopted Small Lot Guidelines and defined zoning standards. The guidelines ask for a minimum of a 15-foot dimension for usable open space rather than the zoning standard of 12 feet. Total area required is the same at a minimum of 500 square feet. The applicant has proposed building setbacks for portions of each lot that allow the project to meet the small lot guideline of 15 feet for Unit 1 and Unit 3. Unit 2 provides the 15-foot guideline dimension for 50% of the open space and the remainder complies with the minimum zoning standard. All units include a standard good neighbor fence to define the private space for each unit.

The most difficult unit to place within the project is Unit 2. Having homes on all four sides of the unit requires the most attention of the three proposed units. To address staff concerns of setbacks and usable space the applicant has modified the plan to provide for compliance with minimum usable open space standards as discussed above and increased the separation of the house from Unit 1 guest parking to the west. The setback is now 9 feet to allow for infill landscaping softening the look and feel of the unit. Unit 2 has a three-foot landscape strip between the drive and the house, with an additional three-foot landscape strip (to include trees) on the opposite side of the drive. Pavers are indicated to be used for the drive to soften its appearance. Staff recommends the applicant consider using an open paver system or potentially Hollywood driveway strips that allow grass to grow up in the guest parking spaces of the project to provide additional softening near the homes.

### **Architecture:**

The project proposes three new two-story single-family homes ranging from 2,327 to 2,569 square feet. Each home includes a decorative craftsman column covered entry and a two-car garage. Elements of interest and articulation include bay windows, wood beams and corbels, inset second stories, pop outs, and variations in roof peaks and planes. On units 1 and 2, second-story facades facing east do not have windows in order to respect privacy of other homeowners. The proposed building materials include a 40-year dimensional composition roof, a stucco wall finish, and foam trim. Staff has included a recommended condition that the blank walls for privacy included either clerestory windows or other architectural feature for the wall, such as false windows with permanently closed shutters to provide additional interest. Staff has included a condition of approval for a 50-year warranty

roofing material of a minimum aesthetic quality of dimensional composition shingles.

The project has an overall FAR of approximately 60% which exceeds the small lot guideline of 50%. The applicant contends that the quality of architectural design and the ability to comply with open space and landscaping standards with minimal setback deviations are in favor of the proposed project FAR. The applicant also contends that the proposed project is similar to a project located three lots north. The northern project was approved in 2001 at 55.7% FAR and included one single-family detached unit and two attached units. Compliance with the 50% guideline would require a reduction of 400 square feet per unit.

Unit 2 includes a second-story cantilevered pop-out of 48 inches to the south. This pop out complies with minimum setback requirements, but does encroach into potential usable open space area even though the ground floor is clear. Please note that the encroached space is not currently utilized in the open space calculation for Unit 2. By code if a cantilevered structure exceeds 24 inches the area below the structure will count as gross floor area adding 53 feet to the gross floor area of Unit 2 increasing the overall FAR as well. Staff recommends that the pop-out be reduced to a maximum of 24 inches to create a somewhat greater sense of openness in the rear of the home.

The overall relationship of home size to the neighborhood is compatible with the surrounding two-story multiplexes and condominiums. Internal siterelationships of home size and spacing do attain the minimum open space requirements and general compliance with dimensional guidelines with the proposed front yard deviation for Unit 1. Although the minimum standards for landscape/open spaces are attained, the primary concern for the project is the living environment for the middle unit. Reducing the home size or height may reduce the potentially imposing visual nature of the site layout, as well as create additional physical separation and space. Staff would support a modest reduction in home size to create additional green space and separation for the internal unit. Additional separation from Unit 3 would also be a benefit to that unit as well as Unit 2. Staff also supports the proposed front yard deviation that helps create additional internal usable open space. If the proposed front yard deviation is not approved, staff recommends that homes be reduced in size to attain the open space standards of the guidelines.

The following Guidelines were used in review of the site design and Architecture:

Basic Design Principle/LUTE	Comments
2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns.	Unit 1 has front door oriented to Poplar. All other units are oriented to the private drive. All units included covered entryways. The character of the neighborhood is two-story buildings and multi-unit complexes that appear bulky. As single-family homes the FAR exceeds general guidelines of 50% for small lots by 20%. Window placement and setbacks are designed to consider both internal and periphery relationships with other units. Additional elements such as clerestory or shuttered windows and high quality texture roofing materials create high degree of interest.
2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.	
2.2.3 Design homes to respect their immediate neighbors	
2.2.6 Use high quality materials and craftsmanship	
LUTE C9. Define building entries by use of human scale architectural elements such as arches, posts, awnings, etc. Orient main entries toward public streets.	

### **Landscaping:**

The applicant has proposed a 3-foot landscape strip along the north edge of the driveway to soften the appearance and provide buffering from the adjacent housing complex. Front yard landscaping is proposed along Poplar Avenue and all units include landscaping and shrubbery between housing units and the private drives and parking.

The on-site Valley Oaks and a Blue Oak tree are considered healthy trees and are proposed to be retained on the site. The oak trees are located at the eastern boundary of the site. The avocado tree on the site is determined to be in declining health and would be further impaired by the location of Unit 1. It is proposed for removal. On the neighboring property to the south the Coast Live Oak is proposed to be trimmed of lower limbs as part of its tree protection plan. The applicant has also requested removal of an unremarkable Hackberry tree located in the east end of the site. This tree could be retained. Other assorted small fruit trees and yuccas are proposed for removal. The landscape plan includes 13 15-gallon sized trees as replacement trees that are primarily located in the front yard of Unit 1 and along the private drive. One new street tree is to be planted as a condition of approval. A tree protection plan incorporating long-term recommendations of the arborist report and



standard construction period preservation measures is included as condition of approval.

*Stormwater Management:*

This project has less than 10,000 square feet of impervious surface; therefore, it is not subject to Stormwater Management Best Management Practices (BMP) requirements for either Group I or Group II projects. A recommended condition of approval directs that roof drains be directed to landscape areas rather than directly to the storm drain and include BMP to extent practicable for other impervious surfaces on the site.

**Parking/Circulation:**

The project complies with the parking requirement of 2-covered parking and 2 uncovered parking spaces per housing unit. Each lot provides for the required parking and no common area parking is proposed. Required Poplar Avenue street improvements will allow for on-street parking as well.

Basic Design Principle	Comments
3.2 Parking <i>Design garages and driveways to be compatible with the neighborhood.</i>	Applicant has provided for 2-car garages and guest parking on each individual lot. Street improvements will allow for on-street parking as well.

**Tentative Map**

The project includes the subdivision of 1 parcel into 4 parcels, including 1 common area lot functioning as a private drive to access the homes. A one-foot dedication for Poplar Avenue is required as a condition of approval. A requirement for standard specification street improvements, including a monolithic sidewalk, is included as a condition of approval. The zoning code also requires the undergrounding of overhead utilities abutting the site and a condition of approval requires undergrounding is included.

**Conclusion**

**Compliance with Development Standards/Guidelines:**

The applicant requests deviations to minimum lot size, front yard setback, and rear yard setbacks. Minimum lot size is a common deviation needed for development of the individual ownership units. The reduced front yard setback for Unit 1 allowed the applicant to provide additional interior usable open space. The rear yard setback deviation for the second-story of Unit 3 is a 6-

inch encroachment, staff recommends the applicant meet the 20-foot rear yard setback rather than receive a deviation. The applicant has considered this situation and is willing to meet the 20-foot setback although the project plans have not been redone. The project complies with all other development standards.

The project exceeds the Small Lot Development guideline of 50% FAR with a proposed 60% FAR project. The project does attain the guideline for a minimum 15-foot dimension for open space for over 80% of the defined open space.

During the Study Session some members of Planning Commission made comments that the project needs a street presence to Poplar, the FAR seemed high, and deviations to setbacks may not be justified. The applicant has addressed door orientation and has agreed to changes to the rear yard setback issue for the project. However, to meet open space concerns of staff and to maintain a quality floor plan and home design the applicant believes the 15-foot front yard setback is adequate considering the compliance with all other standards and the architectural design of the homes. Staff finds that the neighborhood pattern has a 20-foot setback pattern along the street for which a 15-foot setback is compatible and additionally does permit for a better living environment for internal setbacks between units. The primary concern for staff has been the provision of adequate open space in compliance with the Small Lot Guidelines which the applicant has attempted to conform to with the layout. Staff recommends that if the project's front yard setback is not considered appropriate for Poplar Avenue that the applicant be required to reduce the home sizes to maintain compliance with the Small Lot Guidelines for open space.

### **Fiscal Impact**

---

No fiscal impacts other than normal fees and taxes are expected. The project will require payment of a traffic impact fee and park dedication fee for the net increase of 1 housing unit on the site.

### **Findings, General Plan Goals and Conditions of Approval**

---

Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit, and tentative map request.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

**Public Contact**

---

<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 220 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

---

1. Adopt the zoning ordinance, approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the zoning ordinance, approve the Special Development Permit and Tentative Map with modified conditions.
3. Deny the request to rezone the property, thereby denying the Special Development Permit and Tentative Map.

**Recommendation**

---

Recommend Alternative 1 to the City Council.

Prepared by:

Kelly Diekmann  
Project Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans

## **Recommended Findings - Special Development Permit**

---

Goals and Policies that relate to this project are:

### **1. Land Use and Transportation Element**

*C2.2 Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.*

*N1.4.1 Require infill development to complement the character of the residential neighborhood*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale by providing for compatible infill development while attaining the zoning standards and guidelines designed to meet community standards for livability, character, and quality. Additionally it provides additional ownership housing opportunities and reinvestment in an existing neighborhood renewing a run down site.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the development is two-story homes similar in height to abutting multiplex units with a generally appropriate bulk and massing. The project provides usable open space for residents and includes retention and protection of significant trees on and around the site while including new fresh landscaping for a buffer between the uses to the north of the site.

### **Recommended Findings - Tentative Map**

---

If any of the following findings can be made, the Planning Commission should not recommend approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

The subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the zone and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

**Recommended Conditions of Approval - Special Development Permit /Use Permit**

---

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing by the Planning Commission.
- B. The Conditions of Approval shall be reproduced on the front page of the plans submitted for a Building permit for this project.
- C. The "Special Development" shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- E. Deviations permitted by this permit are expressly as follows:
  - 1. Minimum lot size less than 8,000 square feet
  - 2. Front yard setback of 15 feet

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements, including improvements of Poplar Avenue.

**3. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)**

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney.
- B. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- C. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- D. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
- E. The Conditions of Approval of this 2004-0857 Permit.
- F. The CC&Rs shall contain the following language:
- G. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.
- H. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.



- I. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
- J. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
- K. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
- L. Third-Party Beneficiary. The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.
- M. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."

**4. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. The plans shall be revised to be consistent with the Design Guidelines and code standards to provide the following:
  - i. 50-year warranty textured roof material (minimum aesthetic quality of dimensional composition shingle). Material samples and product type shall be provided prior to the issuance of building permits.
  - ii. Work with Staff to provide additional architectural accents for blank wall without windows, may include clerestory windows or false shuttered windows.

- iii. Consider incorporation of open paver pattern for parking areas to increase apparent greenspace within the project in lieu of proposed decorative pavers.
  - iv. Reduce the pop-out on the second-story of Unit 2 to no more than 24 inches.
  - v. Increase the second-story setback of Unit 3 to the east to a minimum of 20 feet.
  - vi. Foam accents are to be used sparingly; facades with wood treatments shall include wood accents rather than foam for materials consistency.
- B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit. The project shall use a variety of color schemes for the three units to provide diversity and interest.
- C. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development. Site plan shall accommodate 24 feet clear area for backup out of designated parking spaces.

**5. DEDICATIONS**

- A. Dedicate 1-foot along the entire frontage of Poplar Avenue for street improvements.

**6. EXTERIOR EQUIPMENT**

- A. Individual air conditioning units shall shown on the building permit plans and are to be screened with architecture or landscaping features. Units may not be located in required setbacks.

**7. FEES**

- A. Pay Traffic Impact fee estimated at \$1,805.03, prior to issuance of a Building Permit. (SMC 3.50)
- B. Pay Park In-lieu fees estimated at \$8,235.56, prior to approval of the Final Map or Parcel Map. (SMC 18.10)

**8. FENCES**

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development and shall be included in the submittal of plans for building permits.
- B. Such fences may extend along side property lines, but do not extend beyond the front line of the main building on each lot.

- C. Any side yard fence between the building and the public right-of-way shall not exceed three feet in height.
- D. For front yard fences in residential areas, open decorative type fences, such as picket, post and rail are preferred.
- E. Chain link and barbed wire fences are not allowed in residential areas.
- F. Install and maintain a (HEIGHT: 6 foot solid wood fence or decorative masonry wall, measured from the highest adjoining grade, of a design approved by the Director of Community Development along the perimeter property lines. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.

**9. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.
- B. Decorative paving as required by the Director of Community Development to distinguish entry driveways, building entries, pedestrian paths and common areas.
- C. All areas not required for parking, driveways, structures or fenced "rear" yards of usable space shall be landscaped.
- D. Roof drains are to be directed to landscaped areas and not directly connect to the storm drain system. Incorporate additional BMP for other impervious surfaces on the site as practicable, including use of permeable pavers.
- E. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits. Protection measures are to be in compliance with the recommendations of the arborist report submitted with the application and shall additionally include protection for trees on adjacent sites during construction. Protection plan shall be submitted for approval with the demolition building permit.
- F. The landscape plan shall include 1 street designated by the City Arborist as an Ornamental Pear (Chanticleer).
- G. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.

- H. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- I. Any “protected trees”, (as defined in SMC 19.94) (Avocado Tree) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- J. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- K. To ensure the vitality of trees along the north property line special soil conditions, such as structural soil, may be required.

#### **10. TREE PRESERVATION**

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
  - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA).
  - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
  - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

#### **11. STREETS**

- A. Proposed Private Drive will not be an official street, all units will be addressed from Poplar Avenue.

- B. Dedicate private streets as emergency vehicle ingress-egress easements.

**12. RIGHT-OF-WAY IMPROVEMENTS**

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. This project requires a monolithic sidewalk improvement. Plans shall be approved by then Department of Public Works.

**13. STORAGE**

- A. All exterior trash shall be confined to approved receptacles and enclosures.

**14. UNDERGROUND UTILITIES**

- A. All proposed utilities shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- C. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- D. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- E. Improvement plans showing conduits for future undergrounding of existing overhead utilities shall be submitted to the Planning Division for review and approval prior to issuance of a Building Permit. Complete installation of conduits prior to occupancy.
- F. A copy of an agreement with affected utilities companies for existing overhead utilities which are on-site or within adjoining rights-of-way shall be provided to the Director of Community Development prior to issuance of a Building Permit or a deposit or bond in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- G. A copy of an agreement with affected utilities companies for undergrounding all existing and proposed overhead service drops to

the building shall be provided to the Director of Community Development prior to issuance of a Building Permit.

**15. TENTATIVE MAP CONDITIONS**

- A. Full development fees shall be paid for each project parcel or lot shown on Parcel Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- B. Comply with all applicable code requirements as noted in the Standard Development Requirements.